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*Rupert B. Hurley Jr.*  
**Rupert B. Hurley Jr.**  
*Dec 18 2006*  
**DATE**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Inventors: MUDAR et al

Group Art Unit: 1761

Serial No.: 09/992,271

Examiner: Weinstein, S.

Filing Date: November 16, 2001

Attorney Docket No.: D-43397-02

Title: **PACKAGED PRODUCT AND PROCESS FOR MAKING SAME, AND  
PRODUCT MADE THEREFROM**

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CORRECTED APPEAL BRIEF UNDER 37 CFR § 41.37**

Sir:

This Corrected Appeal Brief is being filed further to the Notice of Non-Compliant Appeal Brief mailed 17 November 2006, the one month period for response being through Monday, 18 December 2006, as 17 December 2006 falls on a Sunday. As this brief is being filed on or before 18 December 2006, no request for an extension of time is believed to be necessary. However, in the event that an extension of time is deemed to be necessary, the undersigned authorizes the Commission to charge Deposit Account 07-1765 in the appropriate amount.

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(1) Real Party in Interest

The real party in interest is Cryovac, Inc., assignee of the above-referenced patent application.

(2) Related Appeals and Interferences

There are no other appeals, interferences or judicial proceedings known to Appellant, Appellant's legal representative, or Assignee which may be related to, directly affect, be directly affected by, or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The pending claims are claims 1-20 and 22-25, and 28-32. Claims 1-11, 13-20, 22, 23, 25, and 28-32 stand rejected. Claims 12 and 24 stand withdrawn from consideration as being directed to a non-elected species. Claims 21, 26, and 27 stand cancelled. Appellants appeal the rejection of Claims 1-11, 13-20, 22, 23, 25, and 28-32. Claim 1 is the only independent claim on appeal. A copy of all of the pending claims appears in the Appendix.

(4) Status of Amendments

An Amendment under 37 CFR 1.116 was filed 1 September 2006. The amendment was entered. No further amendments have been filed since 1 September 2006.

(5) Summary of the Claimed Subject Matter

The claimed subject matter is directed to a packaged product. The packaged product comprises a meat product having an added liquid thereon, with a packaging article surrounding the meat product. [Page 3 lines 11-13] The added liquid comprises brine. [Page 5 line 13] The atmosphere has been evacuated from between the meat product and the packaging article. [Page 23 lines 6-7] The packaging article has a seal layer comprising a member selected from the group consisting of a slip agent and a surfactant. [Page 3 lines 13-14] The packaging article is made from an end-seal bag or a side-seal bag. [Page 23 lines 20-24 and reference numeral “10” in FIG.s 1 and 2; Page 24 lines 1-4 and reference numeral “18” in FIG.s 3 and 4] This summary of the claimed subject matter is a summary of Claim 1, the only pending independent claim on appeal.

(6) Grounds of Rejection to be Reviewed on Appeal

I. Whether Claims 1-11, 13-20, 22, 23, 25, and 28-32 Are Unpatentable under 35 USC

103(a) as obvious over WO 99/00250 to Luthra et al (LUTHRA et al) in view of  
Noel et al U.S. Patent No. 6,355,287 B2 (NOEL et al), or NOEL et al in view of  
LUTHRA et al.

## **(7) Argument**

### **I. Framing the Claimed Invention in the Context of the Prior Art**

The invention on appeal is directed to a specific meat packaging domain: the packaging of meat products having added liquid comprising brine. In recent years meat packagers have substantially increased their production of “brine-injected” meat products, particularly brine-injected pork products. The injection of brine into the meat produces a meat product favored by consumers for its tenderness, flavor, and moisture content after cooking.

However, the injection of the brine into the meat product is known to result in a meat product which is substantially more difficult to package. The injected brine oozes to the surface of the meat product, and/or is deposited onto the surface of the meat product. The brine mixes with the natural meat juices to form a blend. This brine-containing blend contaminates the surface of a flexible plastic end-seal bag or side-seal bag into which the meat product is placed. It is known in the art that the presence of this blend in the seal area is particularly difficult to seal through. As stated in Appellants’ specification, a careful analysis of the seal strength of these seals (i.e., through contamination by the blend) reveals that the strength can be reduced up to and sometimes greater than 80% as compared to that of uncontaminated seals, and that the seals made through this contamination fail at the seal interface when the package is stressed. Realizing the difficulty in sealing through this particular contamination, packagers have used specialized loading devices in an effort to physically prevent the blend from contaminating the seal area.

The invention addresses the above-described “weak seal problem” by providing the heat seal layer with a slip agent or a surfactant. The slip agent (e.g., wax) is hydrophobic, causing the blend to “bead up”, thereby reducing the amount of blend in the area to be sealed. Appellants have discovered that the beading up of the contamination allows the sealing process to produce a substantially stronger seal, even though blend contamination is present.

In contrast to the manner in which the slip agent causes the contamination to bead up, providing the seal layer with a surfactant causes the added liquid to “wet out” and thereby reduce the thickness of the blend contamination in the seal area. As with the use of the slip agent, Appellants have discovered that the presence of the surfactant allows the sealing process to produce a substantially stronger seal through the contamination.

**Claims 1-11, 13-20, 22, 23, 25, and 28-32 are Patentable over LUTHRA et al in view of NOEL et al, and vice versa**

**(A) The References Relied Upon**

The claims on appeal stand rejected as obvious over LUTHRA et al in view of NOEL et al, and vice versa. LUTHRA et al is entitled “Fog-Resistant Packaging Film”. LUTHRA et al contains no teaching or suggestion of a packaged product in which the package contains a meat product having added liquid comprising brine. However, LUTHRA et al does disclose packaging films having a heat seal layer comprising a slip agent. [See the Abstract of LUTHRA et al] Moreover, LUTHRA et al states that this fog-resistant film is suitable for use as a stretch film, in vertical form fill and seal packaging, as a lid stock, in a vacuum skin package, as a barrier bag or as a patch bag, in case-ready packaging, in a thermoformed package (such as a tray), as an aroma/barrier film, as a cook-in film, as a heat shrinkable bag, as a shrink or non-shrink casing, as a

container thermoformed from a non-shrinkable film or sheet, and as a medical film.

[Page 19 line 30 through Page 20 line 11] LUTHRA et al discloses the film as suitable for the packaging of various food products, including moist food products such as produce, especially cut lettuce, salad mixes, cut fruit, celery, and the like as well as for packaging fresh red meat, smoked and processed meat, pork, cheese, poultry, and the like. [Page 3 lines 20-24 and Page 19 lines 18-22]

NOEL et al is entitled “Packaged Food Product Having Added Liquid”. NOEL et al discloses meat products having injected brine. [Abstract] NOEL et al also states that the polymer components used to fabricate multilayer films may also contain appropriate amounts of other additives normally included in such compositions, such as slip agents, antioxidants, fillers, dyes, pigments, radiation stabilizers, antistatic agents, elastomers, and the like additives known to those of skill in the art of packaging films. [Col. 23, lines 26-33]

(B) The LUTHRA et al in view of NOEL et al Rejection

The final office action mailed 7 February 2006 refers to earlier office actions that state that LUTHRA et al teaches packaging for moist products including fresh red meat, and a packaging article surrounding the food product, the packaging article having a seal layer comprising a slip agent. The examiner states that moisture is exuded to the surface of meat, and that moisture is moisture no matter what the source. The examiner states that the amount of moisture is a matter of degree and a function of product type, product size, and amount of liquid added, and that brine is involved is not seen as particularly significant since cuts of fresh meat will exude blood, protein and salt material regardless of the addition of brine. The examiner states that there is no probative evidence on the



record to support Applicants' assertion that it is more difficult to seal through an added liquid containing brine than to seal through the same type of product having no added liquid. The Examiner states that even if such evidence was presented, it is well known in the art that contaminants interfere with the security of the seal being made. The Examiner goes on to state that how much liquid contamination is present is a matter of degree, and that different meats have different amounts of amounts of liquid thereon (citing chicken as being very wet and drippy), and that natural juice from meats include salt. The Examiner states that the only difference between LUTHRA et al and Applicants' Claim 1 is the recitation of the liquid as being "added". After questioning the significance of the phrase "added liquid", the Examiner goes on to state that NOEL et al teaches that it is conventional to provide a packaged product having an added liquid. Based on this, the Examiner concludes that it would have been obvious to substitute one conventional liquid for another, i.e., that it would have been obvious to modify LUTHRA et al with NOEL et al to arrive at the invention of Claim 1.

(C ) Appellants' Response to the LUTHRA et al in view of NOEL et al Rejection

Appellants acknowledge that LUTHRA et al discloses some of the features recited in Claim 1. However, as pointed out above, LUTHRA et al has no teaching or suggestion of a meat product having an added liquid thereon. Rather, LUTHRA et al is directed to a fog-resistant film. This fog-resistant film is used to make a package having an inside surface coated with an antifogging agent in a binder, an antiblocking agent and slip agents. The antifogging agent is present in the seal layer because it is the seal layer that provides the interior surface of the package which is subject to the condensation of

*atmospheric moisture within the package* to produce the undesired “fogging” of the package, thereby adversely affecting the package optics, i.e., interfering with a clear view of the product within the package. [LUTHRA et al at Page 1 lines 19-28] The slip agent is added to the film surface (or migrates to the film surface) in order to improve processing during manufacture, i.e., that the film will slide over various machine surfaces the film surface contacts. [LUTHRA et al Page 2 lines 10-21]

Appellants’ Claim 1 is directed to a packaged product in which the atmosphere has been evacuated between the meat product and the film. Moreover, Appellants’ Claim 1 recites the packaging article as having been made from an end-seal bag or a side-seal bag. As is well known to those of ordinary skill in the art, both end-seal and side-seal bags are manufactured from a seamless film tubing which has been extruded from an annular die. Only the outside surface of the annular tubing is available to come into contact with processing equipment, and as such it is only the outside surface which the slip agent would benefit with respect to the recognized benefit from the slip agent. The inside surface of the annular extrudate, which becomes the inside surface of the end-seal or side-seal bag, does not come into contact with any processing equipment. As such, one of skill in the art would not have considered there to be a need to provide this interior seal layer with a slip agent, because there is no surface for this layer to “slip against”, as this interior surface only comes into contact with itself.

In Appellants’ invention, the annular film is converted into an end-seal or side-seal bag which is then used to package a meat product. The inside layer of the bag corresponds with the inside layer of the annular film. Evacuation of the atmosphere from within the bag before sealing the product within the bag causes the inside surface of the

bag to be forcefully drawn into direct contact with the meat product, such that there is essentially no atmosphere between the inside surface and the meat product. As a result, there can be no fog between the inside surface of the film and the meat product in contact with the film. Accordingly, it makes no sense to provide the inside seal layer of such a bag with an antifogging agent as disclosed in LUTHRA et al. In addition, there is no need for a slip agent in the inside layer of the bag, because this inside layer does not come into contact with film processing equipment or other objects. That is, one of skill in the art would not have been motivated by LUTHRA et al to use a slip agent on a film layer making up the inside layer of a seamless tubing. Moreover, with the evacuation of atmosphere from the package, there is no potential for fogging.

Appellants note that LUTHRA et al also discloses shrink bag packaging as a use for the fog-resistant packaging film. However, one of skill in the art would know well that packaging a product in a shrink bag, followed by evacuation of atmosphere from the shrink bag, would not benefit from the fog-resistant additive, because fogging is not possible once the atmosphere is evacuated. Moreover, if the bags are end-seal or side-seal bags, as recited in Appellants' claims, one of skill in the art would have placed the slip agent on or in the outside bag layer, rather than on or in the inside bag layer, because, as explained above, the slip agent can only benefit the outside surface of the bag film, because it is only the outside surface of the bag film that is available to contact processing equipment.

As a result, Appellants contend that one of skill in the art would not have been motivated to utilize the antifogging film of LUTHRA et al where the meat product is in direct contact with the film due to evacuation of the atmosphere from between the end-

seal or side-seal bag and the meat product within the bag. In summary, there is no prima facie case of obviousness because one of skill in the art would not have been motivated to utilize the additives in the seal layer of the film of LUTHRA et al in the seal layer of the film of NOEL et al.

(C ) Appellants' Response to the NOEL et al in view of LUTHRA et al Rejection

Upon reversing the rejection, i.e., applying NOEL et al as the primary reference and LUTHRA et al as the secondary reference, Appellants acknowledge that the objective of NOEL et al is to solve the same problem Appellants have addressed with their invention, i.e., obtaining adequate seal performance in the presence of contamination from a blend of meat juice and added liquid comprising brine. However, NOEL et al addresses this problem with the polymeric composition of the seal layer. More particularly, NOEL et al discloses the use of a film having a seal layer comprising homogeneous ethylene/alpha-olefin copolymer as improving the seal strength when sealing through contamination comprising the blend of meat juice and added liquid comprising brine.

Moreover, NOEL et al further discloses:

The polymer components used to fabricate the multilayer films according to the present invention may also contain appropriate amounts of other additives *normally included in such compositions*. These include slip agents such as talc, antioxidants, fillers, dyes, pigments and dyes, radiation stabilizers, antistatic agents, elastomers, and the like additives known to those of skill in the art of packaging films. [NOEL et al at Col 23 lines 26-33, *emphasis added*]

Appellants acknowledge the accuracy of the Examiner's statement that NOEL et al discloses the use of slip agents in the polymer components used to fabricate the films for

use in the invention of NOEL et al. However, it is important to note that NOEL et al qualifies the use of these additives with the phrase “*normally included in such compositions*”. It would not have been “normal” for one of skill in the art to have included a slip agent in the polymer making up the inside layer of a multilayer film being used to make an end-seal bag or a side-seal bag. As pointed out in the response to the first rejection, there is no reason to include a slip agent in the inside layer of a seamless tubing to be used to make an end-seal bag or a side-seal bag, because the inside surface of the seamless tubing does not come into contact with processing equipment and hence does not benefit from the slip agent. It is contact with processing equipment that generates the need for a slip agent. This makes clear that NOEL et al is not teaching or suggesting the use of a slip agent in a layer that normally would not have a slip agent included. Moreover, LUTHRA et al does not address this insufficiency in NOEL et al. Accordingly, NOEL et al in view of LUTHRA et al also does not set forth a prima facie case of obviousness.

(C ) Moisture Is Not Just Moisture

The examiner has stated that moisture is exuded to the surface of meat, and that moisture is moisture no matter what the source, and that the amount of moisture is a matter of degree and a function of product type, product size, and amount of liquid added, and that brine is involved is not seen as particularly significant, and that there is no probative evidence on the record to support Applicants’ assertion that it is more difficult to seal through an added liquid containing brine than to seal through the same type of product having no added liquid.

In response, Appellants know that contamination of the seal area by the added liquid comprising brine makes it more difficult to obtain a strong heat seal. Appellants are employed at Cryovac, Inc., a subsidiary of Sealed Air Corporation. Cryovac, Inc. is in the business of developing, producing, and selling packaging films, including food packaging films, and particularly meat packaging films. Due to their interaction with customers who are in the business of packaging meat products, employees at Cryovac, Inc. are well aware of the substantial difficulties encountered by packagers who are injecting brine solutions into meat products. Those packagers have experienced and have acknowledged that the presence of the added liquid comprising brine produces a substantial difficulty in making strong heat seals. Appellants contend that regardless of whether it is:

- (A) the *composition* of the contamination in the seal area, or
- (B) the *increased amount* of the contamination in the seal area, or
- (C) both A&B

the reality of the situation is clear: *contamination of the seal area with the added liquid comprising brine clearly lowers the strength of heat seals made through the contamination, over contamination from the same product without the added liquid.* As a result, the Examiner errs in stating that “moisture is simply moisture”. Continuing this analysis in more detail, first assume that the sole reason for the difficulty is the increased amount of contamination in the seal area, i.e., “(B)” above. There is no teaching or suggestion in the prior art to use a slip agent or a surfactant in the seal layer of a film to be used to make an end-seal or a side-seal bag. As such, if the presence of the slip agent or surfactant substantially improves the quality of the heat seal made through the contamination by lowering the amount of contamination in the seal area, then the claimed

invention is patentable, because the prior art does not teach or suggest the combination of a slip agent or surfactant in the seal layer of a film being used to make an end-seal or side-seal bag being used to package a meat product having an added liquid comprising brine, i.e., there is no prima facie case of obviousness. If on the other hand it is the *composition* of the contamination that is the sole reason for the difficulty of making a strong heat seal (i.e., “(A)” above), the claimed invention is patentable for this reason, too, as the prior art does not teach or suggest the combination of a slip agent or surfactant in the seal layer of a film being used to make an end-seal or side-seal bag that is being used to package a meat product having added liquid comprising brine, i.e., again, there is no prima facie case of obviousness. Either way, the invention is patentable because the prior art fails to set forth a prima facie case of obviousness.

The Examiner also errs in stating that that there is no probative evidence on the record to support Applicants’ assertion that it is more difficult to seal through an added liquid containing brine than to seal through the same type of product having no added liquid. The probative evidence on the record is the very reference relied upon by the Examiner: i.e., NOEL et al. NOEL et al states:

Injecting fresh meat with liquid, such as brine, is a means to tenderize the meat. The brine interacts with the muscle proteins, with the resulting liquid mixture exuding from the meat. During pack aging, the liquid which is on the surface of such injected meat products is a blend of the injected brine, muscle proteins, and natural juices and blood from the meat product. This liquid blend tends to smear onto the packaging film in the region to be sealed. **The liquid blend is difficult to seal through.** We have analyzed the seal strength of seals made under various conditions, and have discovered that the strength of seals made through the liquid blend can be even more than 80% less than the strength of seals made without the liquid blend being present in the seal area while the seal is made. [NOEL et al, Col 1 lines 13-26, emphasis added]

**While some processors have successfully solved this weak-seal problem with equipment and line layouts which prevent the liquid blend from depositing on the seal area,** other processors continue to have significant problems. Moreover, it has been found that high-shrinking bags exacerbate the seal failure problem. That is, as the bag shrinks, the seal contacts the product which puts pressure on the seal, which can cause

seal failure as the seal shrinks tightly up against the product. [NOEL et al, Col. 1 lines 27-35]

While the above excerpts do not *expressly state* that the liquid blend of the natural meat juices plus the added liquid comprising brine is more difficult to seal through than contamination of the seal area by natural meat juice alone, the excerpts above *clearly imply* that the injection of the added liquid substantially increases the difficulties of making a strong heat seal, versus contamination by natural meat juice alone. Appellants contend that any rejection relying on NOEL et al is required to consider NOEL et al as a whole, including the above excerpts from Column 1 of NOEL et al that imply that contamination from the blend of the added liquid and natural meat juice is more difficult to seal through than natural meat juice alone.

NOEL et al would not have disclosed and addressed the problem had the problem not been a real-world problem. In fact, the inventors in NOEL et al would not even have known of the problem if they had not experienced it or been told of the problem by customers in the business of packaging brine-injected meat products in flexible films. The disclosure of this problem in NOEL et al is not “happenstance” or “luck” or “surplus”. Rather, it is at the heart of the problem NOEL et al addresses with a seal layer comprising a homogeneous ethylene/alpha-olefin copolymer. This problem is also at the heart of the problem Appellants have addressed by using a slip agent or surfactant in the seal layer. Thus, while the prior art relied upon in the rejections acknowledges the low seal strength problem as a real-world problem, the office actions err in stating that there is no probative evidence of the problem on the record. Indeed there is probative evidence, and Appellants note for the record that this probative evidence existed before the statements in the various office actions. Thus, the statements in the office actions

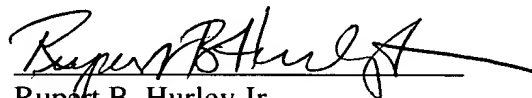


contradict the probative evidence. Appellants contend that this inconsistency stands as further evidence that the rejection fails to set forth a prima facie case of obviousness.

Conclusion

Appellants respectfully submits that, for all of the foregoing reasons, Claims 1-11, 13-20, 22, 23, 25, and 28-32 are patentable over the art of record. Appellants respectfully request that the rejection of Claims 1-11, 13-20, 22, 23, 25, and 28-32 be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Rupert B. Hurley Jr.", written over a horizontal line.

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December 18, 2006

**(8) Claims Appendix**

1. A packaged product comprising:

(A) a meat product having an added liquid thereon, the added liquid comprising brine;

(B) a packaging article surrounding the meat product and the added liquid, with atmosphere having been evacuated from between the meat product and the packaging article, the packaging article having a seal layer comprising a member selected from the group consisting of a slip agent and a surfactant, and wherein the packaging article is made from an end-seal bag or a side-seal bag.

2. The packaged product according to Claim 1, wherein the seal layer comprises the slip agent in an amount of from about 300 to 6000 ppm.

3. The packaged product according to Claim 1, wherein the seal layer comprises the slip agent in an amount of from about 600 to 4500 ppm.

4. The packaged product according to Claim 1, wherein the seal layer comprises the slip agent in an amount of from about 1200 to 3000 ppm.

5. The packaged product according to Claim 1, wherein the slip agent comprises a fatty amide, and the surfactant comprises a non-ionic surfactant.

6. The packaged product according to Claim 5, wherein the slip agent comprises a primary fatty amide, and the surfactant comprises at least one member selected from the group consisting of sorbitan oleate and alkyl-phenol.

7. The packaged product according to Claim 1, wherein the seal layer contains a heterogeneous ethylene/alpha-olefin copolymer having a density of from about 0.85 to 0.95 g/cc.

8. The packaged product according to Claim 7, wherein the heterogeneous ethylene/alpha-olefin copolymer has a melt index of from about 0.1 g/10 min to about 10 g/10 min.

9. The packaged product according to Claim 1, wherein the seal layer contains a homogeneous ethylene/alpha-olefin copolymer having a density of from about 0.85 to 0.95 g/cc.

10. The packaged product according to Claim 9, wherein the homogeneous ethylene/alpha-olefin copolymer has a melt index of from about 0.1 g/10 min to about 10 g/10 min.

11. The packaged product according to Claim 1, wherein the seal layer is free of antiblock particulates on the surface thereof.

12. (withdrawn)

13. The packaged product according to Claim 1, wherein the packaging article comprises a film having a total free shrink of from 10 to about 150 percent at 185°F.

14. The packaged product according to Claim 1, wherein the packaging article comprises a film having a total free shrink of less than 10 percent at 185°F.

15. The packaged product according to Claim 1, wherein the packaging article comprises a film having the seal layer, the film having a thickness of from about 0.1 to 20 mils.

16. The packaged product according to Claim 1, wherein the packaging article comprises a sheet having the seal layer, the sheet having a thickness of from about 5 to 600 mils.

17. The packaged product according to Claim 16, wherein the sheet is a rigid non-foam sheet having a thickness of from about 10 to 60 mils.

18. The packaged product according to Claim 16, wherein the sheet is a foam sheet having a thickness of from about 50 to 400 mils.

19. The packaged product according to Claim 1, wherein the food product comprises at least one member selected from the group consisting of meat and cheese.

20. The packaged product according to Claim 19, wherein the meat comprises at least one member selected from the group consisting of pork and beef.

21. (canceled)

22. The packaged product according to Claim 1, wherein the added liquid is present in an amount of from about 1 percent to 50 percent, based on the weight of the product.

23. The packaged product according to Claim 1, wherein the seal layer comprises at least one member selected from the group consisting of polyolefin, polyamide, polyester, polyvinyl chloride, and ionomer.

24. (withdrawn)

25. The packaged product according to Claim 1, wherein product comprises brine-injected fresh meat, and the packaging article comprises a film which has been shrunk against the fresh meat.

26. (canceled)

27. (canceled)

28. The packaged product according to Claim 1, wherein the seal layer comprises a fatty amide slip agent comprising at least one member selected from the group consisting of primary fatty acid, secondary fatty amide, tertiary fatty amide, and fatty bisamide.

29. The packaged product according to Claim 28, wherein the fatty amide slip agent comprises at least one member selected from the group consisting of erucamide, behenamide, oleamide, lauramide, stearamide, N,N'-ethylene bis-stearamide.

30. The packaged product according to Claim 28, wherein the seal layer further comprises an antiblocking agent.

31. The packaged product according to Claim 30, wherein the antiblocking agent comprises at least one member selected from the group consisting of corn starch, potato starch, and tapioca starch.

32. The packaged product according to Claim 1, wherein the seal layer comprises at least one slip agent selected from the group consisting of fatty amide, fatty acid, fatty acid metal salt, fluorinated fatty acid, fluorinated fatty alcohol, fatty ester, petroleum wax, vegetable wax, animal wax, cellulose derivative, polysaccharide, silicone, fluorocarbon, fluoropolymer, and polyolefin wax.

**(9) Evidence Appendix**

For purposes of this appeal, no copies of any evidence submitted pursuant to §§1.130, 1.131, or 1.132, or any other evidence entered by the Examiner, is being relied upon by Appellants in this appeal.

**(10) Related Proceedings Appendix**

The undersigned is not aware of any prior or pending appeals, interferences, or judicial proceedings known to appellant or the undersigned, which may be related to, directly affect, or be directly affected by, or have a bearing on, the Board's decision in the instant appeal.